IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 10656 of 2007(R)

PETITIONER:

DR.T.C.ABDUL LATHEEF, AGED 51 YEARS,
S/O ABDUL REHIMAN, KOSMEL HOUSE,
NEELESWARAM.

BY ADV. SRI.T.K.PANKAJASHAN PILLAI
SRI.SAJI PANKAJAKSHAN

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY, GOVT. OF KERALA, TRIVANDRUM.

2. THE DISTRICT COLLECTOR, KASARGODE DISTRICT.

3. THE SPECIAL TAHASILDAR(R.R.), HOSDURG TALUK, KASARGODE DISTRICT.

4. SALES TAX OFFICER III CIRCLE, THE ASSISTANT COMMISSIONER(ASST), MATTANCHERRY.

BY SR.GOVT. PLEADER SRI.MOHAMMED RAFIQ.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 10656 OF 2007-R

JUDGMENT

The petitioner has approached this Court, seeking the following reliefs:

> "1. Writ of mandamus or other appropriate writ or direction to the respondents not to take any recovery proceedings, including R.R proceedings against the petitioner for any liability based on Ext.P2 Partnership Deed dated 15.1.1975, after the retirement of the petitioner from Ext.P2 deed on the execution of Ext.P3 retirement deed dated 10.1.1982 and intimation of Ext.P4 dated 11.1.1982 issued to the 4th respondent.
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> 2. Writ of mandamus or other appropriate writ or direction, declaring the petitioner a dormant partner and no service of notice on retirement is necessary and a presumption can be drawn on the basis of Ext.P3 retirement dated 10.1.1982 and all revenue recovery proceedings for the liability of M/s.Asian Trading Company, Jew Town, Mattancherry, are illegal, arbitrary and not enforcible."

He had earlier approached this Court, seeking identical reliefs. The said writ petition was dismissed by the learned single Judge. It was affirmed by the Division Bench by Ext.P7 judgment. So, the petitioner cannot seek identical reliefs on new grounds, which were not urged earlier. Such a motion is

barred by constructive res judicata. Accordingly, the writ petition fails and it is dismissed.

28th March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/